

Aaron Allen testified by affidavit as follows:

I am making this affidavit for use on the hearing of the extraordinary motion for new trial of Leo M. Frank. I am a negro, having been born in Alabama. I lived in Atlanta, Ga., off and on for the last nineteen years. I have done some work as a detective for the police officials of the City of Atlanta, and am well known to Chief Lanford, Mr. Harry Scott, the Pinkerton man, and Mr. John Black, city detective, put me soon after Mary Phagan was murdered into the cell with Newt Lee, and instructed me to do all I could to find out who murdered Mary Phagan. They wanted to know what Newt Lee knew, and told me that if Newt Lee was guilty they wanted to know it. They said to be mighty particular about everything I did or said because they wanted nothing but the truth and didn't want to swear anybody's life away.

I left Atlanta of my free will and accord and went North. I was in Indianapolis, Indiana, for about six months sick. I was under the care of the city dispensary there, being unable to work, and was being cared for as a stranger. I have just this day been to see a doctor here in Atlanta. He tells me that I have consumption and that I cannot live long, and I promised him I would go to the Battle Hill Sanitarium. A white man, who said his name was "O'Neal" came to me in Indianapolis the 30<sup>th</sup> day of March, 1914, and said among other things, that he wanted me to go down to Chicago and catch a negro who was sleeping with some white woman and getting all of her money. He didn't call him a "negro" but called him "a colored gentleman". He also addressed me as "Mister Allen". I caught him in two or three mistakes but I knew I had done nothing so I told him I would go on to Chicago or anywhere else in the world he wanted me to go. I wanted to get away from where I was and wanted to come to Atlanta and had a ticket to Atlanta at that time. This man took my ticket away from me and I went with him to Chicago.

I remained in Chicago five days and was paid \$15.00 and all expenses. I was paid by somebody connected with the William J. Burns detective agency in that town. When I first got there this man sent me out to spend the night with a negro detective by the name of Bell. This man Bell had a wife who looked to me like a white woman. Though I would not say she was white woman I believe she was white. They told me to go to a certain place, but then somebody met me and told me that was the wrong place, and at last they brought me into the Transportation Building into the office of William J. Burns. I saw Mr. Burns' picture hanging on the way, and I saw big offers of rewards. The rooms that I went into were on the 6<sup>th</sup> floor of the Transportation building, and had the name of the Burns detective agency printed on the door. I didn't know what they wanted me for and I let them do most of the talking. After I got up into the office I met William J. Burns himself. He put everybody else out of the room and this is about what occurred between us; He asked me did I know my wife wanted to see me and how I was feeling. He asked me did I know Mr. Jacobs of Atlanta. He asked me whether I was sick enough to have a doctor, if I was he would have one come in right away. I said "No, sir, not now". He went away just then and sent in Mr. Jake Jacobs, a man who keeps a pawn shop at 120 Decatur st., Atlanta, Ga. Mr. Jacobs shook hands with me and called me "Mr. Allen". (Mr. Burns called me Mr. Allen when he talked to me too.) I asked Mr. Jacobs: "Why do you call me Mr. Allen, now that you got up here too?" He told me I was in a different country, and I was just as much here as anybody else. I told him "Well, I knew that." He said my wife was wanting to see me mighty bad. Mr. Jacobs asked me: "Why did you leave Atlanta?" I said: "Why, Mr. Jacobs?" He said: "Your wife told me that the detectives all told her to keep Allen out of the city because they are wanting him here". How came you to leave Atlanta", he asked me again. "I left Atlanta of my free will", I told him. Jacobs said: "You know you are lying. I am a good mind to knock you over from this table." I asked him "Why do you speak that way?" He answered, "Because you know you are lying. You were paid to go away from that place and you gave your wife \$35.00 to pay her rent with and you pawned your things to me the day you left". He said, "You know who gave you that money for you to leave town---those city detectives---and you won't tell it because you are afraid of them. You don't have to go back down there. You are scared of them. How

many times have I seen John Black say 'Come here, you black son of a bitch' and slap your jaws". I told him it wasn't true that I had not been paid anything to leave at all.

Before I finished talking with Mr. Jacobs, Mr. William J. Burns came in. He said at first: "Mr. Allen, the only thing we want of you is the truth and nothing but the truth. You know when you said that you didn't know any of the parties personally---Jim Conley or Leo Frank or Newt Lee---that you is absolutely lying. You know when you say that you had \$320 of your own honest, clean money, that you worked and shoveled and got hold of in Atlanta-- that you are a dam lie". His voice was loud. "Why Mr. Jacobs says he has known you from five or six or ten years and never known you to have over \$20.00. Now, Mr. Allen I am sorry I said what I did but if you will you can state the truth and nothing but the truth, and that is what we want out of you". He didn't say the detectives gave me the money, then, but he said: "You know somebody gave you that money to leave town with and you are a liar every time you say they didn't do it".

When Mr. Jacobs left Mr. Burns had a talk with me privately. He asked me what did I know of the Mary Phagan case. I replied: "Mr. Burns, do you want me to tell you the truth or to tell you a story"? He said: "Mr. Allen we don't ask anybody to tell us lies, but the plain truth". He said: "Now, Mr. Allen go ahead, just state to me what you know about it". I replied again: "Mr. Burns, truth is the light, ain't it?" He said "Yes". I said: "I knows nothing at all about the lady getting killed, no more than I just heard". I says, "I was one time asked by Mr. Black, a city detective in Atlanta, Ga., and also Mr. Harry Scott, a Pinkerton man. I was charged to go down and get in the cell with Newt Lee and find out what Newt Lee had to say fully and in detail. I told him Newt said he was innocent. Then I went into detail and told him what happened about as follows:

"When I got in the cell with Newt Lee in the city of Atlanta, I was in there about 20 minutes, and I spoke to Newt Lee first. I asked him what was his trouble. He replied to me that he had no trouble whatever. I says "Why are you in here?"

He asked me had I knowed about the white had got killed at the pencil factory. I told him no, that I was a stranger in town. In order to get in with Newt Lee I told him a falsehood about killing a white man. Lee told me that he hadn't done nothing and that he was innocent. Lee told me that he knowed nothing in the world concerning what he was put in there for. I told him if I was him I would tell the truth, I wouldn't lay here in jail, I would tell just what I knowed about it. I said, "If you thought or knowed that white man killed this girl with you working there, and had you to help him to away with her, I would go up and tell the detectives so they would turn you out". He said, "Lord have mercy, hush, you are trying to get me in trouble, because I don't know nothing in the world about it, no more than I found the lady, and I hope and trust the Lord will show everybody on earth who killed her. The Lord knows and detectives will know some day just who killed the lady, because I am a innocent man". I asked Lee who he thought killed this lady, asked why they had to arrest him, because he found her. He answered and told me that he had no thoughts, and he didn't know, but he knowed one thing, that my boss, who was over me, he acted very strange. He told me to come back at half past three or four o'clock-- I have forgotten what it was, half past three or four-- I did so, as he asked me to, and I come back, he told me I was just a few minutes early, or late (I forget which he said) but that was all right, and I did not begin work I could go on out in town and come back. Well, friend, I will say to you it looks mighty strange that Mr. Frank called me up about 7 or 8 o'clock, and asked me how was everything. He had never called me and asked me before. I thought that looked mighty suspicious and strange, but as to what I know, brother-friend I don't know nothing. I don't know nothing. If they hang me, or kill me, or turn me aloose, or do whatever they want to with me, it will be all right, because Lord knows, the detectives will know, everybody on earth will know that I know nothing concerning that lady getting killed".

Newt Lee was taken out of the cell from me, and when he come back I asked him where he had been. He told me they had taken him and put in the cell with Mr. Frank. I say, "Well, partner, you better make it up in yourmind [sic] to tell the truth and nothing but the truth, because these white folks kill and lynch a nigger, whether he is guilty or not. If I knowed who killed her I would sure say so. I am going

to tell the truth in my case". He told me he didn't know. He said, "I'll tell you what did happen. Mr. Frank told me if I kept talking so much until its going to get us both in trouble". I was then taken out of the cell with Newt Lee and had a talk with Mr. Black and chief Lanford and Mr. Scott, and told them all I knowed that Newt Lee said. They told me to go ahead "We will see you again, Allen; if we need you, we will let you knpw [sic]". I was then never asked any further questions any more in that case by none of the detectives or any of the officers until I was questioned by detectives Wm. J. Burns, Mr. O'Neal, Mr. Jake Jacobs and Charley Isom, in the city of Chicago, Ill., April 2<sup>nd</sup>.

When I got through this statement, Mr. Burns asked me what was my opinion about the case altogether. I told him I had no fixed opinion on the case, that I knowed nothing concerning the case, that I wasn't implicated and never worked in the case but one night and half of a day. He asked me how much money was I promised to go down in the cell. I told him not any money was promised to me, that Mr. Black told me that he would see that I got paid for my work, but he had not paid me a penny up to that time.

After I had seen Burns the first time, and before I saw him the last time a negro boy who was called in the office of Mr. Burns, Mr. Bell, and who was one of Burns' men, told me that he wouldn't tell any story for Mr. Charley Isom or Mr. Jacobs or anybody on earth, if he was in my place. Bell told me this after I had had a talk with Charley Isom. I knew Charley Isom in Atlanta. After Burns talked to me the last time then Charley Isom came. I had been up to Burns's office going on the third day before Isom came. After I saw Burns the second time they turned me over to isom [sic]. The following is what occurred between myself and Isom after I had been there about three days and had already seen Burns Twice;

Mr. Isom met me and shaken hands with me and said he was glad to see me called me "Mr. Allen". I asked him did he call me "Mr. Allen", and he said "Everybody puts the mister in this part of the country, so they say". He told me that he come after me and I would have to go with him. After he had been teased me along, he told me he was just teasing and joking with me, and he was going to tell me the facts and the truth, and he was working for Mr. Burns, and asked me why did I leave Atlanta. I told him I left there of my own free will. He says, "They all say around there that you was paid to leave Atlanta, two or three hundred dollars, is that the fact"? I told him, "No, sir". He said, "No need of lying to me. Me and you have been friends; I have done you plenty of favors, and you have done me some, how come you can't tell me the truth"? He says, "I don't want you to tell nothing but the truth. You know you was in the cell with Conley. We want you to tell the truth about being in the cell with Conley". I told him, no, I was not, I didn't know Conley, never had seen Conley. "Well", he says, "to make the story long and short, I'll tell you, Allen, let's get down to business. You know Jim Conley, and he has already got a year conviction, and that Jew is already convicted to break his neck, and between you and me I'll tell you what they heard down there, whether it's true or not, that you did find out from Conley in the cell, that he did tell you he killed that girl, and your statement was going to be against Conley, and they gave you three or four hundred dollars, and run you out of town. Is that true or not?" I told him, "No sir, ". He says, "Have you ever told the truth"? I told him yes. "Did you ever tell a lie"? I hemmed and hawed and finally I told him I had told funny tales, but when it come to swearing a man's life away I wouldn't like to tell a lie and no other science business". He told me, "Well, you have told a lie, and it didn't hurt you. I tell you to tell this lie, but I am trying to show where, if you told all kind of lies in this case, it wouldn't hurt you but would get you money". He says, "It is a feather in your hat, would be a feather in my hat; probably you will have a job as long as you live with these people at the rate of \$120 or \$125 a month, and maybe I will, too. If I was you, I would go on and tell, because this man Frank aint never going to walk on the ground no more nohow," says, "it is only just to save neck, that is all. Don't you know I know that that man never will come clear". He says, "why don't you just go ahead and make them feathers for me and for yourself and go ahead and go back up the country if necessary. Make an affidavit and get hold of them feathers, and if you think it is wrong, go down there and change it. Conley made 5 o 6 changes, why can't you change them". I told him I

would just telling a lie, because I had never seen Conley in my life. "If I was to tell anything concerning Conley, I would be telling a story, because I have never seen him." He says, "Is you going to do it?" Says, "Give me your hands". I says, "I will give you my hand. I am going to tell the truth". So he left me, and Mr. Burns told me "Mr. Isom says that you are ready to tell the truth, and I am ready to talk with you." He called his stenographer and started off. When they got through dictating the matter he asked me, "What was you scared to talk about, why was you scared to talk? thought you was going to tell me something, and here you come telling the same old story that was printed in the papers and we knowed all that before hand. Now, don't you know that you are scared of them city detectives. I know that every colored man in the South has got to be humble and stay in his place." Burns says to me, shaking his finger in my face, "You know something". This was after I had told him twice already and told Isom and told all of them up two or three different times during all the five days that I stayed there, that I didn't one thing in the world except what I know. He said I knowed something, and wouldn't tell him.

When I got ready to leave, Mr. Burns told me, shaking hands with me, that the only thing he regretted was, he had handled two hundred thousand colored men, since he had been in the detective business "and had never saw one what wouldn't tell the truth but you". I shaken his hand, and told him, "well, Mr. Burns, if I never see you no more, I hope some day that the Lord will show to you that I have told you the truth so far as I know, so help me God". He says, "That is all right, I believe you are honest and straight, but you have made an affidavit down in that part of the country, and you are scared to tell what you know. I would take care of you, but as it is-- hope to see you again".

One day I was in one of the offices in Mr. Burns' place in the Transportation building, and there were several of Burns' men in there. They all went out and left me in there, and then they called me out into another room, and kept me for about 20 minutes, and then took me back in the big room. When I left that big room, there was no money in there that I saw. When I got back in that big room, there was nobody in there at all but myself, and I saw on the table some money, both greenbacks and silver. It was lying up on the table where I couldn't help but see it, and I was left alone in this room with this money about 20 minutes, and then a negro detective who called himself "Mr. Bell" came in. I did not touch the money and did not count it. I sat off and looked at that money and looked around and tried to see how much there was there, but I would not go near the table, because I thought somebody was looking at me. The paper money was stuck all around, and the sliver money was poured on top of it. It was not piled up, but just scattered like you had poured it out of a sack.

I sat down in the presence of William J. Burns and dictated myself, an affidavit, to his stenographer, and afterwards she brought it back to me and I read it over three times and signed it. I signed two pages, but there were four pages of dictation. I didn't put anything in that paper except the absolute truth, and if he has got any paper that he claims I signed, stating anything except just like I have stated it in this paper, it is absolutely untrue and they have changed it. If he put anything in that paper about me knowing anything about Conley it is false, I didn't say it. After I signed the paper Burns said to some of his men, I don't know who it was, there were so many around there, "you had better just pay Allen whatever he thinks he wants, or whatever Mr. O'Neal has promised him, and let him go on home, or wherever he wants to go, because he won't tell the truth nohow. He knows something that would do us some good, but he is scared to tell it. Then I left his office with Mr. Bell, and he took me to the depot and he told me on the way that he thought I was the wisest colored man he ever saw or met, in not telling no lies. He told me in the presence of Mr. Burns that if he was me he wouldn't tell no lies. Well, he buys me a ticket from Chicago to Indianapolis, Ind., and told me he wished I would get well and do well, and to always stick and tell the truth, that it would always be better for a colored man in the long run. He said he certainly was afraid that Mr. Isom and Mr. Jacobs was going to make tell the wrong tale, and he said he was certainly glad that I didn't do it, and believed I had done my part, and I shook hands with him and told him good bye and got on the train, and I haven't heard any more from him.

I remained in Indianapolis two weeks or more, then I went to Cincinnati, and from Cincinnati I went back to Indianapolis, and then I come from Indianapolis to Atlanta.

After I got to Atlanta, Ga., the first man I saw who asked me anything about this case was Mr. Jacobs, before I reached home. He told me to come in, that he wanted to see me. He asked me if I wanted to stay here, or go where my brother was or go where my mother was, and didn't I think it was too low for me to stay at my wife's house in my condition, and that I had better go somewhere to a higher climate, and I told him I didn't know, and he said, "well, it won't do for you to stay down there, it is too low," and he said "wait just a minute" and he called somebody over the 'phone. My house is within a block of the station house. Mr. Jacobs know where my wife lives, and he knew where I was going when I done this talking. I told Mr. Jacobs that I thought I would stay here until I got better, or maybe always, that I just went off for experience, and now I felt like I had seen as much as I wanted about that good country they claimed, and he said "it was not so good to you, was it, you went up there and got tuberculosis", and I said "no", and he said "but the people here take better care of you and I would advise you not to stay here, I think there is some trouble out about you but if you do get into any trouble come and see me. I went on home, and the next day I was coming up the street and I passed his shop, and the young man that worked there told me that Mr. Jacobs wanted to see me right away quick, and I told him all right, and Mr. Jacobs wasn't there, and he called up somebody in the Temple Court Building, and he said Mr. Jacobs told me to meet him at the steps, and I did so and he carried me to the Fourth National Bank Building on the 11<sup>th</sup> floor, and he kept me there about an hour in a private room, and he went away some place, I don't know where, and he told me Mr. Burns would be there in a minute, and wanted to see me, and to just tell Mr. Burns where I wanted to go and he would send me wherever I wanted to go. I waited and waited and waited and he didn't come back, and nobody called for me, and I was sick and needed air, and I goes out and catches the elevator, and a gentleman met me and says "are you the boy that was in the office" and I said "yes", and he said "Mr. Jacobs said to come to his place right away", and I went down there and he said, "Mr. Burns said that was all right, to stay here, he don't think he will need your affidavit for it isn't any good anyway".

Yesterday, which was Monday April 27, 1914, I was standing on the corner of Piedmont avenue and Decatur sts., and Chief Lanford passed by me and he and I spoke about the same time, I told him howdy and he told me howdy, and he told me as soon as I had time to come down to his office that he wanted to see me. I goes down to his office in the afternoon, about three o'clock, and he and I had a private talk in his office, and he asked me if I was ever in Chicago and I told him yes sir, and he asked me had I ever made an affidavit to Mr. Burns and I told him yes sir, and he said well I heard that but I didn't know how true it was, I know I never missed you until a day or two back, some of them were saying something about you and I thought you were in town", and I said "Yes, I went off on an experience had bad luck, got tuberculosis in that country, and he said, "Allen, go ahead and come back here about six o'clock Mr. Black wants to see you", and I goes to the hospital for an examination and when I got back the chief told me I was too late, and I told him I had to go to the hospital and was examined, and then he told Mr. Starnes and Mr. Campbell to take me in a private room and he will tell you all about what happened in Chicago. They did so and I told them all that I knew or could think of that was true. After I stated to them everything I knew, Mr. Starnes told me that the only thing he wanted was nothing but the truth and also Mr. Campbell said the same, and that it was hardly necessary to go over things that were not true, the only thing he wanted was the truth and nothing but the truth. Mr. Starnes told me if I could so arrange to meet him at the station house the next morning at 8 o'clock or half past 8, and I told him I thought I could if I wasn't sick, and if I was able I would be there sure, and he said all right, if you are sick and can't come I will come to your house. But I come down there and met Mr. Starnes and Mr. Campbell and Mr. Black and Mr. Starnes told me to come in there and we could fix it up right away, get Mr. Febuary to take it down, and Mr. Black told Mr. Starnes he thought it would be wise to take me to Mr. Dorsey's office, and Mr. Starnes asked me if would go to Mr. Dorsey's office, and I told him I would. I went over to the Solicitor General's office and this affidavit was taken

down nearly all of it being dictated by myself. I have read the same over carefully and have signed my name on each and every page hereof, and the same is true in every respect.